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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91175710
Party	Defendant UV Sales, Inc.
Correspondence Address	Melinda M. Lothes Baker & Hostetler LLP 3200 National City Center, 1900 East 9th Street Cleveland, OH 44114-3485 UNITED STATES dwilcox@bakerlaw.com
Submission	Motion to Consolidate
Filer's Name	Melinda M. Lothes
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Date	07/24/2007
Attachments	Stipulated Motion to Consolidate.pdf ( 4 pages )(25904 bytes )

VIA ELECTRONIC SYSTEM FOR  
TRADEMARK TRIALS AND APPEALS (“ESTTA”)  
DATE OF FILING: JULY 24, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

UV SALES, INC.,	)	
	)	
Opposer,	)	
vs.	)	Opposition No. 91175522
	)	
OPHTHONIX, INC.,	)	Mark: !.ZON EYEGLASSES ME, MYSELF
	)	AND EYE. and Design
Applicant.	)	
OPHTHONIX, INC.,	)	
	)	
Opposer,	)	Opposition No. 91175710
vs.	)	
	)	
UV SALES, INC.,	)	Mark: IZONE FACEWARE
	)	
Applicant.	)	
UV SALES, INC.,	)	
	)	
Petitioner,	)	Cancellation No. 92047788
vs.	)	
	)	
OPHTHONIX, INC.,	)	Mark: IZON
	)	
Registrant.	)	

_____	)	
OPHTHONIX, INC.,	)	
	)	
Petitioner,	)	Cancellation No. 92047829
	)	
vs.	)	
	)	Mark: I IZONE GROUP and Design
UV SALES, INC.,	)	
	)	
Registrant.	)	
_____		

### STIPULATED MOTION TO CONSOLIDATE

UV Sales, Inc., by and through its undersigned counsel (“UV Sales”), respectfully requests that the above-captioned opposition and cancellation proceedings be consolidated. UV Sales has initiated this request, and Jennifer Lee Taylor, counsel for Ophthonix, Inc. (“Ophthonix”) in these matters, consented to said Motion via email on July 20, 2007.

As indicated by the Notices of Opposition, Answers thereto and the Petitions to Cancel filed in the above-captioned proceedings, the oppositions and cancellation actions involve common questions of law and fact and the parties to the proceedings are identical. Therefore, the consolidation of the above-captioned proceedings would promote judicial efficiency. Further, consolidation of the proceedings will not cause prejudice or inconvenience to the parties and/or the Board, nor will consolidation cause undue delay. The proceedings are in an early stage and the testimony periods have not yet commenced.

Although Answers have not yet been filed in the above-captioned cancellation actions, to order consolidation before an Answer is filed in each of the proceedings to be consolidated is within the discretion of the Board, *see* Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 511, and is prudent with respect to the proceedings at issue. Because of the substantial

commonality of factual and legal issues between the above-captioned proceedings, and given Ophthonix's consent, consolidation is appropriate at this juncture.

WHEREFORE, for the foregoing reasons UV Sales requests that the Stipulated Motion to Consolidate be granted, thereby causing the above-captioned proceedings to be consolidated.

Respectfully submitted,

/Melinda M. Lothes/

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Attorneys for UV Sales, Inc.

CERTIFICATE OF FILING AND OF SERVICE

I, Melinda M. Lothes, do hereby certify that a copy of the foregoing Stipulated Motion to Consolidate is being filed electronically with the United States Patent and Trademark Office, Trademark Trial and Appeal Board this 24<sup>th</sup> day of July, 2007 and is being served on Jennifer Lee Taylor, Attorney for Ophthonix, Inc., via First Class Mail, at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105.

/Melinda M. Lothes/

Melinda M. Lothes